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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,335	11/14/2000	Bjorn Markus Jakobsson	30-6	8563

7590 09/08/2004

Ryan Mason & Lewis LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER

GURSHMAN, GRIGORY

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/712,335	JAKOBSSON ET AL.	
	Examiner	Art Unit	
	Grigory Gurshman	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 11/14/2000.
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. New corrected drawings are required in this application because the figures are drawn by hand. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 15 is rejected under 35 U.S.C. 101 because "a software program" not claimed as executable on the computer is descriptive material per se and is not statutory.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison (U.S. Patent No. 5,870,468) in view of Akiyama (U.S. Patent No. 5,784,464).

5. Referring to the instant claims Harrison discloses enhanced data privacy for portable computers (see abstract and Fig.4). Harrison teaches a method for protecting selected files in a portable computer system. With this invention a user selects a set of files on a hard disk of the system for protection. This invention uses an encryption key, a secret key and an algorithmic transform to protect the selected files. With this invention the selected files are encrypted with the encryption key, and two copies of the encryption key are scrambled, one with the secret key and one with the transform of the secret key (see abstract and Fig. 1).

6. Referring to the independent claims 1, 14 and 15, the limitation "configuring the software program ... such that one or more files generated by the program are at least partially encrypted using a first cryptographic associated with a current time interval ..." is met by file protection agent software (18) depicted in Fig. 2, which encrypts files with encryption key. The key is generated for the particular set of files (see Fig.1) and the key is used in accordance with the preset time limit (see block 6). Therefore the encryption key is associated with the time interval, as recited in the instant claims.

While Harrison teaches the use of a second encryption key, he does not explicitly teach providing periodic updates of the encryption key associated with a subsequent time interval.

Referring to the instant claims, Akiyama teaches that the contents of a variety of titles that are managed by the service provider system 1 are encrypted beforehand with the

respective keys KG.sub.1j. It is required that the encryption be re-performed by periodically updating the title keys KG.sub.1. As a premise of this process of FIG. 14, it is assumed that the second master key (KM2) 185 of the key management unit 18 is absolutely identical with the second master key (KM2) 163 of the key update processing unit 16. Further, the title key KG.sub.1j used once is to be disposed of without reusing it, and, hence, the second master keys 163, 185 used for generating the title key KG.sub.1j are changed each time the key is updated. In the next step S45, the key update timer 17 waits a certain time limit (e.g., after midnight on every Sunday) and then changes over the respective SW1, SW2, SW4, SW5 (see column 17, lines 63-67 through column 18, lines 1-20). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to have a software program configured to encrypt files with the key associated with the time interval of Harrison and provide periodic updates including encryption keys associated with subsequent time intervals as taught in Akiyama. One of ordinary skill in the art would have been motivated to have a software program configured to encrypt files with the key associated with the time interval and provide periodic updates including encryption keys associated with subsequent time intervals as taught in Akiyama for eliminating a risk of the unlawful decryption thereof by a third party (see Akiyama column 17, lines 66-68).

7. Referring to claim 2, Harrison shows that files encrypted with the first encryption key are decryptable by programs having a corresponding decryption key (see Fig. 6).

8. Referring to claim 4, Harrison also teaches the use of a secret key, which meets the limitation "symmetric cryptographic key".

9. Referring to claim 5, Akiyama teaches that one encryption key is produced from the second key by using the one-way function (see column 17, keys generated from the master key).
10. Referring to claim 7, Harrison shows that the time interval defined by the idle timer (33) is uniquely associated with the encryption key (3) – see Fig. 5.
11. Referring to claim 10, Harrison teaches that the files are encrypted with the interval of the idle timer, thereby providing the compatibility of the versions of encryption keys as shown in Fig. 6.
12. Referring to claim 11, Akiyama shows the use of network for distributing content for the server to the client (see Fig. 2).
13. Referring to claims 12 and 13, it is well known in the art to provide software updates in an automatic manner as well as to use identifiers associated with the number of legitimate copies. One of ordinary skill in the art would have been motivated to provide software updates in an automatic manner as well as to use identifiers associated with the number of legitimate copies in order to avoid the use of software by unauthorized parties.

Conclusion

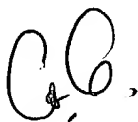
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (703) 306-2900. The examiner can normally be reached on 9 AM-5:30 PM.

Art Unit: 2132

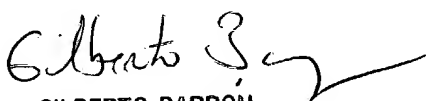
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GG



Grigory Gurshman
Examiner
Art Unit 2132



GILBERTO BARRON
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